

#5/IDS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Hogenkamp *et al.*

Appl. No. 09/814,123

Filed: March 22, 2001

For: Aryl Substituted Pyrazoles,
Triazoles and Tetrazoles, and
the Use Thereof

Confirmation No. 2060

Art Unit: 1626

Examiner: Shameem, G.

Atty. Docket: 1861.1270001/JMC/THN

Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regards to non-English language documents AL1 and AL2 cited on Form PTO 1449:

Document AL1, German Patent No. DE 19 36 760 is in the German language. An English language abstract of document AL1 is attached as document AT15.

Document AM1, German Patent No. DE 29 10 330 A1 is in the German language. An English language abstract of document AM1 is attached as document AR16.

Document AL3, Japanese Patent No. JP 11 199566 A is in the Japanese language. An English language abstract of document AL3 is attached as document AS16.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

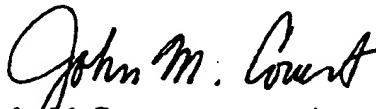
This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application. Attached is our Check No. 33531 in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



John M. Covert
Attorney for Applicants
Registration No. 38,759

Date: Dec 13, 2001

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FORM PTO-1449

INFORMATION DISCLOSURE STATEMENT

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U.S. PATENT DOCUMENTS

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| | AA1 | 3,049,438 | 08/14/1962 | Buell and Long | 117 | 33.5 | 11/03/1958 |
| | AB1 | 3,058,989 | 10/16/1962 | Buell and Long | 260 | 296 | 11/26/1957 |
| | AC1 | 4,072,498 | 02/07/1978 | Noon <i>et al.</i> | 71 | 92 | 05/14/1976 |
| | AD1 | 4,394,514 | 07/19/1983 | Kruse, L.I. | 548 | 508 | 06/29/1981 |
| | AE1 | 4,454,337 | 06/12/1984 | Kruse, L.I. | 560 | 22 | 03/02/1983 |
| | AF1 | 4,639,266 | 01/27/1987 | Heubach <i>et al.</i> | 71 | 92 | 09/09/1985 |
| | AG1 | 4,962,011 | 10/09/1990 | Aldag <i>et al.</i> | 430 | 281 | 05/17/1988 |
| | AH1 | 5,134,142 | 07/28/1992 | Matsuo <i>et al.</i> | 514 | 255 | 09/14/1990 |
| | AI1 | 5,670,533 | 09/23/1997 | Matsuo <i>et al.</i> | 514 | 106 | 12/28/1995 |
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|---------------------|-----|-----------------|------------|---------------|-------|-----------|--------------------|
| | AL1 | DE 19 36 760 | 01/22/1970 | Germany | | | Abstract Yes No |
| | AM1 | DE 29 10 330 A1 | 10/02/1980 | Germany | | | Abstract Yes No |
| | AN1 | GB 2 105 327 A | 03/23/1983 | Great Britain | | | Yes No |
| | AO1 | EP 0 273 528 A1 | 07/06/1988 | Europe | | | Yes No |
| | AP1 | EP 0 323 841 A2 | 07/12/1989 | Europe | | | Yes No |

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

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| AR | 1 | Arient, J. and Dvořák, J., "Triphenylmethane dyes. II. Introduction of the triazole group into the triphenylmethane skeleton," <i>Chem. Abstracts</i> 52:Abstract No. 12401i, The American Chemical Society (1958). |
| AS | 1 | Baud, J., <i>et al.</i> , "CGP 31358 binds to a site on the NK1 receptor that is coupled to both the transmitter recognition site and the channel domain," <i>Neurosci. Lett.</i> 107:184-188, Elsevier Scientific Publishers Ireland Ltd. (1989). |
| AT | 1 | Bensimon, G., <i>et al.</i> , "A Controlled Trial of Riluzole in Amyotrophic Lateral Sclerosis," <i>New Eng. J. Med.</i> 330:585-591, Massachusetts Medical Society (1994). |

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EXT. JURY/PROB. 1.0511.1270001/P70 1449

Rev. 1/95

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| | AL2 | EP 0 323 841 A3 | 09/12/1990 | Europe | | | Yes No |
| | AM2 | EP 0 488 959 A2 | 06/03/1992 | Europe | | | Yes No |
| | AN2 | EP 0 323 841 B1 | 08/04/1993 | Europe | | | Yes No |
| | AO2 | WO 96/11911 | 04/25/1996 | WIPO | | | Yes No |
| | AP2 | WO 97/07102 | 02/27/1997 | WIPO | | | Yes No |

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| AR | 2 | Brown, J.B. and Stammers, D.V., "Yellow color images by silver and dye bleaching," <i>Chem. Abstracts</i> 57:Abstract No. 12673d, The American Chemical Society (1962). |
| AS | 2 | Brown, C.M., <i>et al.</i> , "Neuroprotective properties of lifarizine compared with those of other agents in a mouse model of focal cerebral ischaemia," <i>Br. J. Pharmacol.</i> 115:1425-1432, Stockton Press (August 1995). |
| AT | 2 | Buchan, A.M., <i>et al.</i> , "AMPA Antagonists: Do They Hold More Promise for Clinical Stroke Trials Than NMDA Antagonists," <i>Suppl. 1 Stroke</i> 24:148-152, Lippincott Williams and Wilkins (1993). |

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| | AL3 | JP 11 199566 A | 07/27/1999 | Japan | | | Abstract Yes No |
| | AM3 | WO 99/62885 | 12/09/1999 | WIPO | | | Yes No |
| | AN3 | WO 00/57877 | 10/05/2000 | WIPO | | | Yes No |
| | AO3 | EP 1 081 146 A1 | 03/07/2001 | Europe | | | Yes No |
| | AP | | | | | | Yes No |

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| AR | 3 | Catterall, W.A., "Structure and Function of Voltage-Sensitive Ion Channels," <i>Science</i> 242:50-61, American Association for the Advancement of Science (1988). |
| AS | 3 | Catterall, W.A., "Neurotoxins That Act on Voltage-Sensitive Sodium Channels in Excitable Membranes," <i>Ann. Rev. Pharmacol. Toxicol</i> 20:15-43, Annual Reviews Inc. (1980). |
| AT | 3 | Catterall, W.A., "Common modes of drug action on Na ⁺ channels: local anesthetics, antiarrhythmics and anticonvulsants," <i>Trends Pharmacol. Sci.</i> 8:57-65, Elsevier Science Publishers B.V. (1987). |

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| AR | <u>4</u> | Cocco, M.T., <i>et al.</i> , "Phytotoxic Activity in Pyrazole Derivatives II," <i>II Farmaco Ed. Sc.</i> 40:272-284, Societa Italiana Di Scienze Farmaceutiche (1985). |
| AS | <u>4</u> | Creveling, C.R., <i>et al.</i> , "Batrachotoxin-Induced Depolarization and [³ H] Batrachotoxinin-A 20 α -Benzoate Binding in a Vesicular Preparation from Guinea Pig Cerebral Cortex," <i>Mol. Pharmacol.</i> 23:350-358, The American Society for Pharmacology and Experimental Therapeutics (1983). |
| AT | <u>4</u> | Dal Monte, D. and Veggetti, P., "Derivatives of pyrazolone and pyrazolyl carbamates," <i>Chem. Abstracts</i> 53:Abstract No. 8122f, The American Chemical Society (1959). |

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| AR | 5 | Denicoff, K.D., <i>et al.</i> , "Efficacy of Carbamazepine Compared With Other Agents: A Clinical Practice Survey," <i>J. Clin. Psychiatry</i> 55:70-76, Physicians' Postgraduate Press, Inc. (1994). |
| AS | 5 | Dimmock, J.R., <i>et al.</i> , "Evaluation of the thiosemicarbazones of some aryl alkyl ketones and related compounds for anticonvulsant activities," <i>Eur. J. Med. Chem.</i> 26:529-534, Elsevier Science (1991). |
| AT | 5 | Donaldson, I., "Tegretol: A double blind trial in tinnitus," <i>J. Laryngol. Otol.</i> 95:947-951, Royal Society of Medicine Press (1981). |

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| AR | <u>6</u> | Filer, C.N., "Chapter 6, The Preparation and Characterization of Tritiated Neurochemicals," <i>In: Isotopes in the Physical and Biomedical Sciences, Volume 1, Labelled Compounds (Part A)</i> , Buncel, E. and Jones, J.R. eds., pp.156-192, Elsevier Science Publishers B.V. (1987). |
| AS | <u>6</u> | J.R. Geigy A.-G., "Diaz dyes," <i>Chem. Abstracts 60:Abstract No. 12144b</i> , The American Chemical Society (1964). |
| AT | <u>6</u> | Graham, S.H., <i>et al.</i> , "Neuroprotective Effects of a Use-Dependent Blocker of Voltage-Dependent Sodium Channels, BW619C89, in Rat Middle Cerebral Artery Occlusion," <i>J. Pharmacol. Exp. Ther.</i> 269:854-859, The American Society for Pharmacology and Experimental Therapeutics (1994). |

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| AR | Z | Graham, S.H., et al., "A Dose-Response Study of Neuroprotection Using the AMPA Antagonist NBQX in Rat Focal Cerebral Ischemia," <i>J. Pharmacol. Exp. Ther.</i> 276:1-4, The American Society for Pharmacology and Experimental Therapeutics (1996). |
| AS | Z | Hamill, O.P., et al., "Improved Patch-Clamp Techniques for High-Resolution Current Recording from Cells and Cell-Free Membrane Patches," <i>Pflügers Arch.</i> 391:85-100, Springer-Verlag (1981). |
| AT | Z | Hunskar, S. et al., "Formalin test in mice, a useful technique for evaluating mild analgesics," <i>J. Neurosci. Methods</i> 14:69-76, Elsevier Science Publishers B.V.(1985). |

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| AR | B | Iwasaki, Y., <i>et al.</i> , "CNQX prevents spinal motor neuron death following sciatic nerve transection in newborn rats," <i>J. Neurosci.</i> 134:21-25, Elsevier Science B.V. (1995). |
| AS | B | Kuo, C.-C. and Bean, B.P., "Slow Binding of Phenytoin to Inactivated Sodium Channels in Rat Hippocampal Neurons," <i>Mol. Pharmacol.</i> 46:716-725, The American Society for Pharmacology and Experimental Therapeutics (1994). |
| AT | B | Lam, P.Y.S., <i>et al.</i> , "New Aryl/Heteroaryl C-N Bond Cross-coupling Reactions via Arylboronic Acid/Cupric Acetate Arylation," <i>Tetrahedron Lett.</i> 39:2941-2944, Elsevier Science Ltd. (1998). |

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| AS | 2 | Magagnoli, R., "1-(p-Benzoylphenyl)-3-alkyl(or benzanido)-5-pyrazolones as color couplers," <i>Chem. Abstracts</i> 65:Abstract No. 5576g, The American Chemical Society (1966). |
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| | AL | | | | | | Yes No |
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| | AP | | | | | | Yes No |

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| AR | <u>16</u> | Dialog File 351, Accession No. 2553655, Derwent WPI English language abstract for DE 29 10 330 A1 (Document AM1). |
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